

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a))-SMALL BUSINESS CONCERN

DOCKET NUMBER: 3300.1047-001

Applicant or Patentee: Woojin Lee, Andres Chamorro III, Robert A. Langer, and Dwight Meglan
Application or Patent No.: 10/715,339
Filed or Issued: November 17, 2003
Title: ROBOTICALLY CONTROLLED SURGICAL INSTRUMENTS

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN endoVia Medical, Inc.
ADDRESS OF SMALL BUSINESS CONCERN 150 Kerry Place
Norwood, Massachusetts 02062

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each additional person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING Robert W Cunningham
TITLE OF PERSON IF OTHER THAN OWNER CEO
ADDRESS OF PERSON SIGNING 150 Kerry Pl Norwood MA 02062
SIGNATURE [Signature] DATE 5/24/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ROBOTICALLY CONTROLLED SURGICAL INSTRUMENTS

the specification of which (check one)

[] is attached hereto.

[X] was filed on November 17, 2003 as United States Application Number: 10/715,339.

[] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. []].

[] and was amended on [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Woojin Lee

Inventor's Signature 

Date 5/4/04

Residence 69 East Street

Hopkinton, MA 01748

Citizenship US

Mailing Address Same as above

Full name of second joint

inventor, if any Andres Chamorro, III

Inventor's Signature _____

Date _____

Residence 27 Lake Street

Arlington, MA 02474

Citizenship US

Mailing Address Same as above

Full name of third joint

inventor, if any Robert Ailinger

Inventor's Signature _____

Date _____

Residence 118 Albemarie Road

Norwood, MA 02062

Citizenship US

Mailing Address Same as above

Full name of fourth joint

inventor, if any Dwight Meglan

Inventor's Signature _____

Date _____

Residence 90 Wildwood Drive

Westwood, MA 02090

Citizenship US

Mailing Address Same as above



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Full name of sole

or first inventor Woojin Lee

Inventor's Signature _____ Date _____

Residence 69 East Street

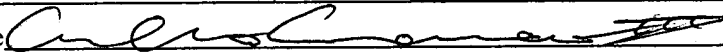
Hopkinton, MA 01748

Citizenship US

Mailing Address Same as above

Full name of second joint

inventor, if any Andres Chamorro, III

Inventor's Signature  Date 5/3/04

Residence 27 Lake Street

Arlington, MA 02474

Citizenship US

Mailing Address Same as above

Full name of third joint

inventor, if any Robert Ailinger

Inventor's Signature _____ Date _____

Residence 118 Albemarle Road

Norwood, MA 02062

Citizenship US

Mailing Address Same as above

Full name of fourth joint

inventor, if any Dwight Meglan

Inventor's Signature _____ Date _____

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Westwood, MA 02090

Citizenship US

Mailing Address Same as above



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or first inventor Woojin Lee

Inventor's Signature _____ Date _____

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Citizenship US

Mailing Address Same as above

Full name of second joint

inventor, if any Andres Chamorro, III

Inventor's Signature _____ Date _____

Residence 27 Lake Street

Arlington, MA 02474

Citizenship US

Mailing Address Same as above

Full name of third joint

inventor, if any Robert Ailinger

Inventor's Signature Robert Ailinger Date 4/32/04

Residence 118 Albemarle Road

Norwood, MA 02062

Citizenship US

Mailing Address Same as above

Full name of fourth joint

inventor, if any Dwight Meglan

Inventor's Signature _____ Date _____

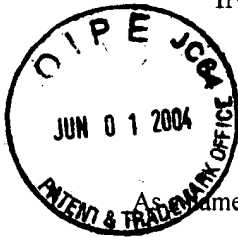
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Citizenship US

Mailing Address Same as above

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[] Supplemental (37 C.F.R. §1.67)

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(Number)	(Country)	(Day/Month/Year filed)		YES	NO
_____	_____	_____	[]	[]	[]
(Number)	(Country)	(Day/Month/Year filed)	[]	[]	[]
_____	_____	_____	[]	[]	[]
(Number)	(Country)	(Day/Month/Year filed)	[]	[]	[]
_____	_____	_____	[]	[]	[]
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Full name of sole

or first inventor Woojin Lee

Inventor's Signature _____ Date _____

Residence 69 East Street

Hopkinton, MA 01748

Citizenship US

Mailing Address Same as above

Full name of second joint

inventor, if any Andres Chamorro, III

Inventor's Signature _____ Date _____

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Arlington, MA 02474

Citizenship US

Mailing Address Same as above

Full name of third joint

inventor, if any Robert Ailingner

Inventor's Signature _____ Date _____

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Norwood, MA 02062

Citizenship US

Mailing Address Same as above

Full name of fourth joint

inventor, if any Dwight Meglan

Inventor's Signature  _____ Date 5/2/04

Residence 90 Wildwood Drive

Westwood, MA 02090

Citizenship US

Mailing Address Same as above

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

JUN 01 2004

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT AND CORRESPONDENCE ADDRESS

Application Number	10/715,339
Filing Date	November 17, 2003
First Named Inventor	Woojin Lee
Confirmation Number	2403
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	3300.1047-001

Title ROBOTICALLY CONTROLLED SURGICAL INSTRUMENTS

I/We hereby appoint

☒ the attorneys/agents associated with Customer No. 021005

☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

☒ Customer Number 021005

Hamilton, Brook, Smith & Reynolds, P.C.

530 Virginia Road

P.O. Box 9133

Concord, Massachusetts 01742-9133

☐ Other

Please direct all telephone calls and facsimiles to:

Name James M. Smith, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

☐ Applicant/Inventor.

☒ Authorized representative of the Assignee, endoVia Medical, Inc., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

☐ Authorized representative of the Assignee, [], together with [], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name & Title

Robert W. Cunningham, CEO

Signature

[Signature]

Date

4/28/04

STATEMENT UNDER 37 C.F.R. § 3.73(b)Inventor(s): Woojin Lee, Andres Chamorro, III, Robert Ailinger and Dwight MeglanApplication No./Patent No.: 10/715,339 Filed/Issue Date: November 17, 2003For: ROBOTICALLY CONTROLLED SURGICAL INSTRUMENTS

endoVia Medical, Inc., a corporation,
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 4/26/04Name: Robert W. CunninghamTitle: CEOSignature: [Signature]

COPY

Docket No. 3300.1047-001

Joint

ASSIGNMENT

WHEREAS, we, **Woojin Lee, Andres Chamorro III, Robert Ailinger and Dwight Meglan**, have invented a certain improvement in **Robotically Controlled Surgical Instruments** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for utility (37 CFR § 1.53(b)) and design filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/715,339**, filed **November 17, 2003**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [], which designates the United States of America;
- ☐ which was patented under United States Patent No. [].

WHEREAS, **endoVia Medical, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **150 Kerry Place, Norwood, Massachusetts, 02062** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

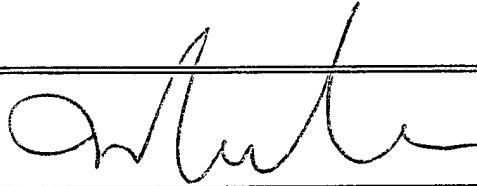
AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature:



Woojin Lee

State/Commonwealth

of Massachusetts

County of Middlesex

On this 4th day of May, 2004, before me, the undersigned notary public, personally appeared **Woojin Lee**,

☐ personally known to me, or

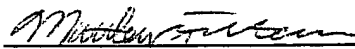
☒ proved to me through satisfactory evidence of identification, which was MA Drivers License

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)



MATTHEW FECTEAU
Notary Public
Commonwealth of Massachusetts
My Commission Expires
Sept. 26, 2009



Notary Public

Matthew Fecteau

(print name)

My Commission expires 9 / 25 / 09

Inventor's Signature: _____

Andres Chamorro III

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Andres Chamorro III**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

_____ to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Robert Ailinger

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Robert Ailinger**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

_____ to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Dwight Meglan

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Dwight Meglan**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

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AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

Docket No. 3300.1047-001

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

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State/Commonwealth _____

of _____

County of _____

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☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: 
Andres Chamorro III

State/Commonwealth
of Massachusetts
County of Suffolk

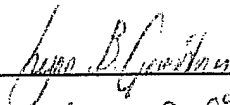
On this third day of May, 2004, before me, the undersigned
notary public, personally appeared **Andres Chamorro III**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

to be the person whose name was signed on the foregoing instrument in my presence, and
acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

 Notary Public
Lynn B. Gaselidnes (print name)

My Commission expires 8 / 28 / 2009 My Commission Expires August 28, 2009

Inventor's Signature: _____
Robert Ailinger

State/Commonwealth
of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned
notary public, personally appeared **Robert Ailinger**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

to be the person whose name was signed on the foregoing instrument in my presence, and
acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____
Dwight Meglan

State/Commonwealth
of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned
notary public, personally appeared **Dwight Meglan**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

to be the person whose name was signed on the foregoing instrument in my presence, and
acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public
(print name)

My Commission expires ____/____/____

COPY

Docket No. 3300.1047-001

Joint

ASSIGNMENT

WHEREAS, we, **Woojin Lee, Andres Chamorro III, Robert Ailingner and Dwight Meglan**, have invented a certain improvement in **Robotically Controlled Surgical Instruments** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for utility (37 CFR § 1.53(b)) and design filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/715,339**, filed **November 17, 2003**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [], which designates the United States of America;
- ☐ which was patented under United States Patent No. [].

WHEREAS, **endoVia Medical, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **150 Kerry Place, Norwood, Massachusetts, 02062** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

Docket No. 3300.1047-001

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: _____

Woojin Lee

State/Commonwealth _____

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Woojin Lee**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Andres Chamorro III

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Andres Chamorro III**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Robert Ailinger

State/Commonwealth

of Massachusetts

County of Norfolk

On this 30 day of April, 2004, before me, the undersigned notary public, personally appeared **Robert Ailinger**,

☐ personally known to me, or

☒ proved to me through satisfactory evidence of identification, which was

MA Dr. Lic #544138422 X 6/18/07

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Cheryl P. Carter

Notary Public Robert A. Ailinger personally appeared me, and proved his/her identification through satisfactory evidence, which was MA Dr. Lic to be the whose name is signed on the preceding or attached document in my presence. on this 30 day of April, 2004
Cheryl P. Carter
Notary Public
Commonwealth of Massachusetts
My Commission Expires May 28, 2007

Cheryl P. Carter

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Dwight Meglan

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Dwight Meglan**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

COPY

Docket No. 3300.1047-001

Joint

ASSIGNMENT

WHEREAS, we, **Woojin Lee, Andres Chamorro III, Robert Ailinger and Dwight Meglan**, have invented a certain improvement in **Robotically Controlled Surgical Instruments** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for utility (37 CFR § 1.53(b)) and design filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/715,339**, filed **November 17, 2003**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [], which designates the United States of America;
- ☐ which was patented under United States Patent No. [].

WHEREAS, **endoVia Medical, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **150 Kerry Place, Norwood, Massachusetts, 02062** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

Docket No. 3300.1047-001

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: _____

Woojin Lee

State/Commonwealth _____

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Woojin Lee**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

_____ to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Andres Chamorro III

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Andres Chamorro III**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

_____ to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Inventor's Signature: _____

Robert Ailinger

State/Commonwealth

of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared **Robert Ailinger**,

☐ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

_____ to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Notary Public

(print name)

My Commission expires ____/____/____

Docket No. 3300.1047-001

Inventor's Signature: _____

Dwight Meglan

State/Commonwealth

of Massachusetts

County of Norfolk

On this 2nd day of May, 2004, before me, the undersigned notary public, personally appeared **Dwight Meglan**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SEAL)

Joanna E Scanne

Notary Public

Joanna E Scanne (print name)

My Commission expires 12/22/06